



# **COCHISE COUNTY**

## **COMMUNITY DEVELOPMENT**

*"Public Programs...Personal Service"*

**TO:** Board of Adjustment, District 2

**FROM:** Keith Dennis, Senior Planner

For: Michael Turisk, Planning Manager

**SUBJECT:** Minutes of the Regular Meeting of September 5, 2012

**DATE:** September 18, 2012

**Members Present:**

Albert Young, Chairman  
Gerald Eberwein, Vice-Chairman  
Patrick Greene, Member

**Staff Present:**

Beverly Wilson, Deputy Director, Planning Division  
Michael Turisk, Planning Manager  
Keith Dennis, Senior Planner  
Gussie Motter, BOS Liaison

**Others Present:**

Brian Wolfe, Applicant  
Scott, Mary, and Tracy Wolfe

*These minutes for the BA2 meeting held on September 5, 2012 are complete only when accompanied by the memoranda for said meeting dated September 5, 2012.*

**Call to Order / Roll Call:**

Chairman Albert Young called the meeting to order at 6:01 p.m. at the Board of Supervisors' Executive Meeting Room at the County Complex in Bisbee. He noted that all three of the Board members were present. He explained the procedures of the meeting to those present, and noted that all members of the Board were present, establishing that the Board had a Quorum and could proceed.

Mr. Greene made a motion to approve the minutes of the July 9, 2012 regular meeting. Mr. Eberwein seconded the motion, and the vote was 3-0 to approve the minutes of the July 9, 2012 meeting.

**NEW BUSINESS**

**Docket BA2-12-04 (Wolfe):** Chairman Albert Young asked for the staff presentation of the Docket. Keith Dennis offered the staff report for Docket BA2-12-04, which is a request for a variance from the Cochise County Zoning Regulations, Section 705, requiring that accessory structures in a TR-9 Zoning District be subordinate in size to an established permitted principal use.

The Applicant seeks to legitimize an existing steel building which is 3,200 sq. ft., while the principal structure is 1,848-sq.ft. The subject parcel (Parcel No. 404-19-001F) is located at 9290 N. Wynn Drive, McNeal, AZ.

Chairman Young called for the staff report on the Docket. Senior Planner Keith Dennis delivered the report on behalf of the Planning Director, illustrating the facts of the case, as well as the staff recommendation, utilizing photos, maps and other visual aids. He explained the background of the case and the circumstances surrounding the Variance request under consideration. The accessory structure had been part of a nearby residential lot and used by the Applicant for years before the portion of the property containing the garage was split off and deeded to the Applicant. He then applied to establish electrical service, and was told by County staff that due to the TR-9 Zoning, he could not obtain permits for an accessory structure without a principal structure. However, because his father owned the property between the Applicant's residence and the garage property, it was determined that he could obtain a narrow strip of property along his father's lot, and thereby join the two, making the two parcels into one parcel. The resulting property has an odd shape and circumstance surrounding its creation, but nonetheless remains a legal property with regard to zoning regulations. He concluded by offering factors in favor and against approval.

Chairman Young invited questions for staff. Mr. Greene asked what would happen if the Board denied the Variance. Mr. Dennis replied that permits could not be issued for the building.

Mr. Eberwein asked if the Applicant and staff had discussed rezoning the property. Mr. Dennis said that staff's protocol on such matters is to try and find the easiest solution to any given problem and that a Variance is considered to be such under the circumstances.

Mr. Young then called for the Applicant's statement at which time Mr. Wolfe stated that staff had essentially covered the facts of the case. He said he would appreciate any help he could get from the Board in establishing electrical service to the building.

Mr. Young then closed the Public Hearing and called for Board discussion. Mr. Greene commended the Community Development staff for finding a solution for this Applicant.

Mr. Eberwein asked how long it had taken to join the property. Mr. Wolfe said it took approximately one month.

Mr. Young asked for the Planning Director's recommendation and summary. Mr. Dennis recommended approval without conditions, based on the factors favoring approval.

Mr. Eberwein moved to approve the Variance as requested. Mr. Greene seconded and the motion passed 3 – 0.

Vice Chairman Greene called for a motion. Mr. Eberwein made a motion to grant this application for the Variance and added the factors in favor. Vice Chairman Greene seconded.

There was no further discussion.

The vote was 3-0 to approve the motion.

**Election of Officers:**

Mr. Young nominated Mr. Greene for the office of Chairman of the Board. Mr. Eberwein seconded and the motion passed 3 – 0.

Mr. Young then nominated Mr. Eberwein for the office of Vice-Chairman. Mr. Greene seconded and the motion passed 3 – 0.

**Planning Director's Report:**

Mr. Dennis offered a brief Director's Report, and informed the Board that Beverly Wilson had been appointed as Deputy Director of Community Development. He indicated that there would not be a Docket in October but one in November.

Mr. Eberwein made a motion to adjourn. Vice Chairman Greene seconded, and the meeting was adjourned at 6:26 p.m.